

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

Case No. 5447
Date Filed 8/26/04
Hearing Date _____
Receipt _____
Fee \$400.00

Shaded Areas for Office Use Only

Type of Application

Nature of Request and Section(s) of Code _____

- ☐ Administrative Decision/Interpretation
☒ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☐ Area Variance
☐ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction

CASE 5447 MAP 26 TYPE Special Exception

ELECTION DISTRICT 3 LOCATION 2946 Sandy Hook Road, Bel Air, Md. 21015

BY John Colflesh

Appealed because a special exception pursuant to Section 267-53D(3) of the Harford County Code to operate a motor vehicle repair shop in an Agricultural District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Owner (please print or type)

Name John Colflesh Phone Number call attorney

Address 2946 Sandy Hook Road Bel Air MD 21015-1030
Street Number Street City State Zip Code

Co-Applicant N/A Phone Number _____

Address _____
Street Number Street City State Zip Code

Contract Purchaser N/A Phone Number _____

Address _____
Street Number Street City State Zip Code

Attorney/Representative John J. Gessner Phone Number (410) 893-7500

Address 11 S. Main St. P.O. Box 1776 Bel Air MD 21014
Street Number Street City State Zip Code

Land Description

Address and Location of Property Parcel A 12.664 AC 2946 Sandy Hook Road

LDS EL Dinning P43/56

Subdivision _____

Lot Number PARA

Acreage/Lot Size 12.664± Election District 3

Zoning AG

Tax Map No. 26 Grid No. 3E Parcel 79 Water/Sewer: Private X Public _____

List ALL structures on property and current use: single family dwelling; barn, block building
residential; motor vehicle repair shop

Estimated time required to present case: 45 minutes

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? N/A

Is this property located within the County's Chesapeake Bay Critical Area? Yes _____ No X

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes X No _____

Is this request within one (1) mile of any incorporated town limits? Yes _____ No X

Request

See Attached

Justification

See Attached.

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

6 : 8/26/04
2 : 19620
206049

ATTACHMENT TO APPLICATION OF JOHN COLFLESH

REQUEST:

1. A special exception pursuant to Section 267-53 (D) (3) of the Harford County Zoning Code to operate a motor vehicle repair shop on the subject property zoned AG, Agricultural as shown on the attached site plan.

JUSTIFICATION:

1. The Applicant repairs commercial motor vehicles, farm equipment, farm tractors, grain haulers, horse trailers, etc., by welding metal. The use conducted by the Applicant, although it involves welding, constitutes a motor vehicle repair shop. No welding is performed by the Applicant on the subject property unless it involves the repair of commercial motor vehicles or accessory equipment. Welding is a common practice in the repair of motor vehicles or accessory equipment. The Board of Appeals has, in at least one instance, granted a special exception for a similar use as a motor vehicle repair shop which involved welding. The proposed use is compatible with uses permitted as of right in the Agricultural District and will cause no adverse impact.

Land of
Harford County, Md.
1136/895

Axle Rd.

N 62° 40' 45" E 644.22'

260.00'

180 ±

140 ±

14300 S.F. Septic Reserve Area

25700 S.F. Septic Reserve Area

Privacy Fence

Covered Patio

Gravel

Mac. Dr.

Covered Porch

1.5' O/W

Existing 2 Story Brick Dwelling

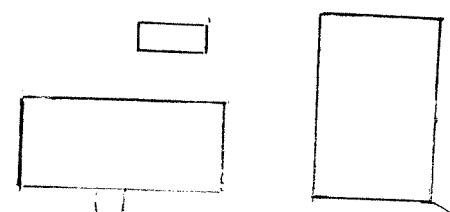
#2946

PARCEL 'A'

Net 12.067 Acs
R/W 2.597 Acs
Gross 12.664 Acs

N 14° 02' 01" W 750.96'
720.00'

Zone 'C'
Zone 'A'



Ex. Gravel Dr.

50' Minimum Building Setback Line

R: 1263.00' A:

Axle Rd. N 61° 41' 27" E 278.71'

Existing 18' Paving

R: 7341.80' A: 325.72'

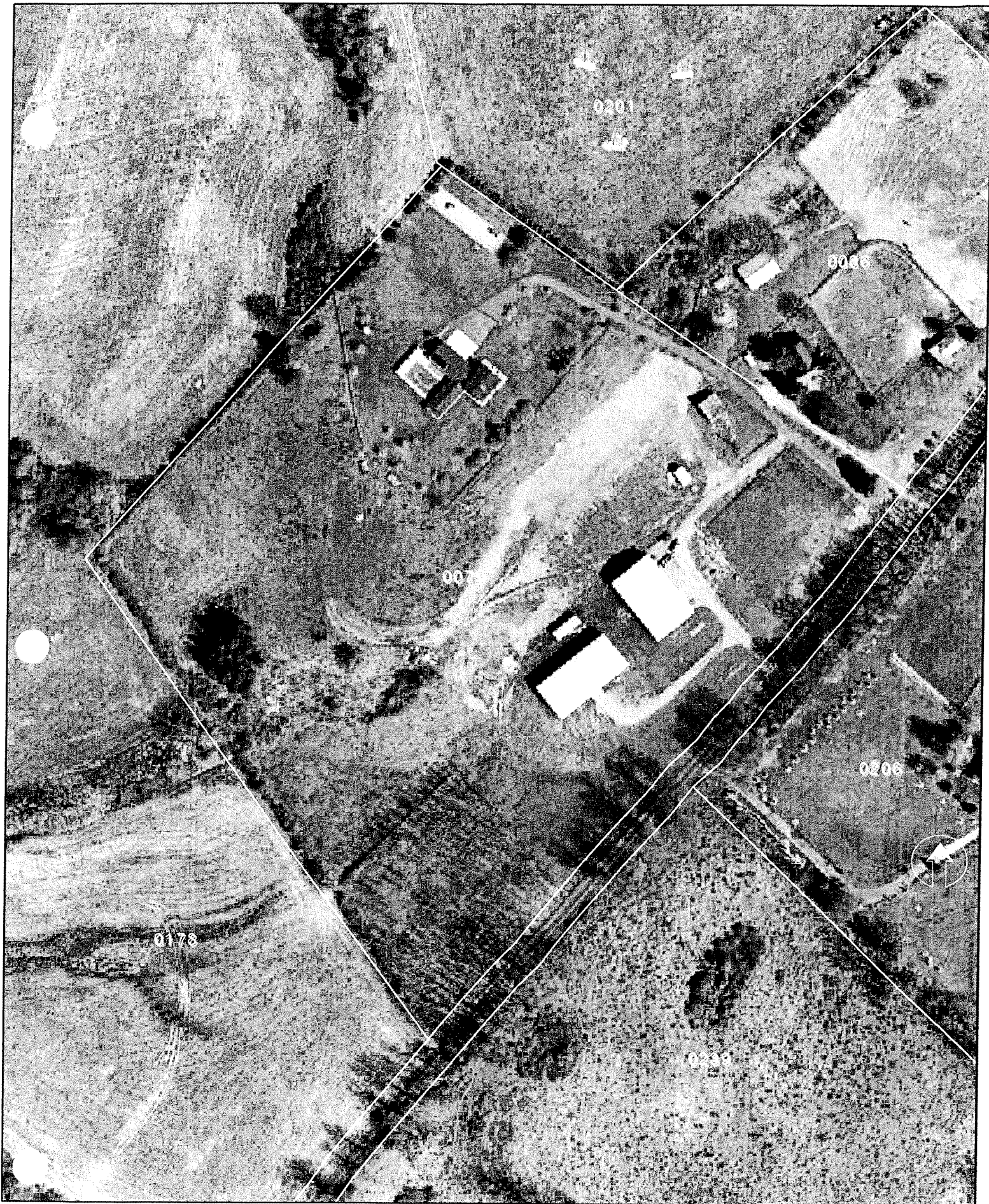
S 64° 18' 40" W 157.37'

S 61° 52' 40" W 124.70'

S 61° 41' 27" W 453.42'

SANDY HOOK ROAD

Location Survey
Parcel 'A'
Division of the Land



2946 Sandy Hook Road

March 2000 Aerial Photography

0 75 150
Feet



JAMES M. HARKINS
HARFORD COUNTY EXECUTIVE

JOHN J. O'NEILL, JR.
DIRECTOR OF ADMINISTRATION



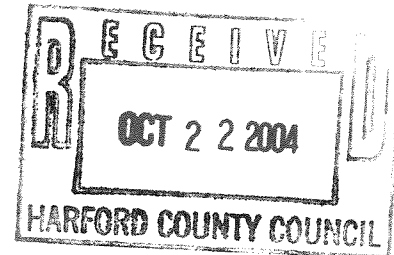
J. STEVEN KAI-ZIEGLER
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

October 11, 2004

STAFF REPORT



BOARD OF APPEALS CASE NO. 5447

APPLICANT/OWNER: John Colflesh
2946 Sandy Hook Road, Bel Air, Maryland 21015-1030

REPRESENTATIVE: John J. Gessner
11 South Main Street, Bel Air, Maryland 21014

LOCATION: 2946 Sandy Hook Road – Lands of E. L. Dinning – P 43/56
Tax Map: 26 / Grid: 3E / Parcel: 79 / Lot: Parcel "A"
Election District: Third (3)

ACREAGE: 12.664 acres

ZONING: AG/Agricultural

DATE FILED: August 26, 2004

HEARING DATE: November 10, 2004

APPLICANT'S REQUEST and JUSTIFICATION:

See ATTACHMENT 1.

CODE REQUIREMENTS:

The Applicant is seeking approval of a Special Exception pursuant to Section 267-53D(3) of the Harford County Code to operate a motor vehicle repair shop in an Agricultural District.

Preserving our values, protecting our future
(410) 638-3103

MY DIRECT PHONE NUMBER IS

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410-638-3000 • 410-879-2000 • TTY 410-638-3086 • www.co.ha.md.us

This document is available in alternative format upon request.

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Section 267-53D(3) of the Harford County Code reads:

D. Motor Vehicle and related services.

- (3) [Amended by Bill No. 93-10] Motor vehicle repair shops. These uses may be granted in the AG and B1 Districts, provided that:*
 - (a) A buffer yard at least 10 feet wide shall be provided along any adjacent road right-of-way or adjacent residential lot.*
 - (b) The requirements of § 267-39C(7) of this chapter for service stations and repair shops in the B2 and B3 Districts shall be met.*
 - (c) Unless Board approval is granted, accessory buildings and outdoor storage of vehicles, tires, and equipment shall be prohibited.*
 - (d) The operator of the shop shall maintain a log of all vehicles repaired. For each vehicle, the log shall include the vehicle identification number and a description of the vehicle and identify the dates the vehicle arrived and was removed. The log shall be available for inspection during normal business hours. If no log exists, it shall be assumed for the purposes of § 267-39C(7)(f) that each vehicle has been stored on the property for 90 days.*
 - (e) The rental or storage of trailers, boats, and trucks shall be prohibited.*
 - (f) Proposed outdoor storage areas and refuse storage areas shall be fenced or screened from adjacent properties and shown on the site plan submitted for Board approval.*
 - (g) Materials, textures, colors and designs of fences, walls, and screening shall be compatible with the on-site development, adjacent properties, and the neighborhood. When a wall is required, a planting strip at least 5 feet wide shall be provided also and shall include trees and shrubs that are at least 2 feet high when planted and that may be expected to form a year-round dense screen within 3 years. The location and species of trees and shrubs used for screening shall be chosen with consideration for the size of the trees and shrubs at maturity. Fences, walls, screening, and planting strips shall be located so that they do not constitute sight obstructions for the drivers of vehicles entering or exiting the parcel or any adjacent lot or parcel.*
 - (h) The fumes, odors and noise from the vehicle-related work shall be minimized.*
 - (i) A minimum parcel area of 1 acre shall be required.*
 - (j) In the AG District, the use shall be operated by the resident of the property.*

Enclosed with the report is a copy of Section 267-51 and 267-52 of the Harford County Code (Attachment 2).

Section 267-9I of the Harford County Code will be discussed in detail later in the report.

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LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant's property is located in the north east part of the county, on the west side of Sandy Hook Road. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachment 3 and 4).

The subject property is located outside of the Development Envelope. The predominant land use designation is Agricultural. The Natural Features Map reflects Deer Creek Scenic River District, Agricultural Preservation Districts and Easements, Sensitive Species Project Review Areas and Rural Legacy Areas. The subject property is designated as Agricultural which is defined by the Master Plan as:

Agricultural – Areas where agriculture is the primary land use, but where developments rights are available. Residential development is possible at a density of 1.0 dwelling unit for every 10 acres. Commercial uses within this area are intended to serve the agriculture industry or residents of the area while maintaining the character of the surrounding countryside.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 5 and 6).

Land Use – Existing:

The existing land uses in this area of the County are consistent with the 2004 Master Plan. The primary land use is Agriculture, including cropland, pastureland, and large areas of dense woodland. The topography for the area ranges from rolling to steep, especially near the stream valleys. There are no major residential developments, only scattered residences. Enclosed with the report is a copy of the aerial photograph (Attachment 7).

The Applicant's lot is recorded as parcel "A" on a plat entitled E. L. Dinning III and J. B. Dinning recorded in November of 1979 (Attachment 8). The property fronts on the west side of Sandy Hook Road and is approximately 12.664 acres in size. The property backs up to a 158-acre parcel that is owned by Harford County. The topography ranges from rolling to steep. The front portion of the property in the area of the subject buildings is basically level with Sandy Hook Road. To the rear of the building the topography rises sharply in elevation to a plateau where the Applicant's home is located. There are 2-entrances, one to the building to be used for the repair business and the other leading back to the Applicant's dwelling. Improvements include a single-family 2-story dwelling with attached garage, an in-ground pool and patio immediately to the rear of the dwelling, an old farm building and shed, and two pole buildings with commercial garage doors. The first building in from the driveway is used by the Applicant to store farm equipment and personal items. The second building is used for the Applicant's businesses. The dwelling and both buildings were located on the property by the previous

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property owner. The Applicant has planted a row of Leyland Cypress along the road frontage approximately 5 to 6-feet in height. These trees should screen the building from the road within a few years. Enclosed with the report is a topography map, an enlargement of the aerial photograph and site photographs (Attachments 9, 10 and 11).

Zoning:

The zoning classifications in the area are consistent with the intent of the 2004 Master Plan as well as the existing land uses. The predominant zoning classification in the area is AG/Agricultural. There are a few areas of RR/Rural Residential representing existing developments. Commercial zoning include B1/Neighborhood, B2/Community and B3/General Business Districts. The subject property is zoned AG/Agricultural as reflected by the enclosed copy of the zoning map (Attachment 12).

Zoning Enforcement:

The subject request is the result of a zoning enforcement investigation. This Department received a complaint on August 6, 2003, concerning 2-large pole buildings being used as repair garage for large trucks. The Department conducted a site inspection on August 29, 2003, that revealed 2-large metal buildings, storage containers, 2-dump trucks and a loader. Enclosed with the report are copies from the enforcement file for informational purposes only (Attachment 13).

SUMMARY:

The Applicant is seeking approval of a Special Exception pursuant to Section 267-53D(3) of the Harford County Code to operate a motor vehicle repair shop in an Agricultural District.

Section 267-53D(3):

- (3) *[Amended by Bill No. 93-10] Motor Vehicle repair shops. These uses may be granted in the AG and B1 Districts, provided that:*

The subject property is zoned AG/Agricultural.

- (a) *A buffer yard at least 10 feet wide shall be provided along any adjacent road right of way or adjacent residential lot.*

The Applicant has planted trees (Leyland Cypress) along the road frontage in front of the subject building. The trees at the present time are 6 to 7-feet in height and will in a few years fully screen the subject property. There is also a wooded area to the left of the building. There are no adjacent residential lots.

- (b) *The requirements of Section 267-39C(7) of this chapter for service stations and repair shops in the B2 and B3 Districts shall be met.*

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These requirements will be discussed later in the report.

- (c) *Unless Board approval is granted, accessory buildings and outdoor storage of vehicles, tires and equipment shall be prohibited.*

The property is clean and well maintained and on the date of inspection there was no storage outside of the building. This Department would recommend as a condition of approval that vehicles brought to the property for repair shall be stored within the building or to the rear of the building so as to be screened from the road. Further, there shall be no outside storage of tires or material.

- (d) *The operator of the shop shall maintain a log of all vehicles repaired. For each vehicle, the log shall include the vehicle identification number and a description of the vehicle and identify the dates the vehicle arrived and was removed. The log shall be available for inspection during normal business hours. If no log exists, it shall be assumed for the purposes of 267-39C(7)(f) that each vehicle has been stored on the property for 90 days.*

This would become a condition of approval.

- (e) *The rental or storage of trailers, boats, and trucks shall be prohibited.*

The Applicant is not requesting approval to rent or store trailers, boats or trucks.

- (f) *Proposed outdoor storage areas and refuse storage areas shall be fenced or screened from adjacent properties and shown on the site plan submitted for Board approval.*

No outdoor storage of refuse, parts, tires etc. shall be permitted.

- (g) *Materials, textures, colors and designs of fences, walls and screening shall be compatible with the on-site development, adjacent properties, and the neighborhood. When a wall is required, a planting strip at least 5-feet wide shall be provided also and shall include trees and shrubs that are at least 2-feet high when planted and that may be expected to form a year-round dense screen with 3-years. The location and species of trees and shrubs used for screening shall be chosen with consideration for the size of the trees and shrubs at maturity. Fences, walls, screening, and planting strips shall be located so that they do not constitute sight obstructions for the drives of vehicles entering or exiting the parcel or any adjacent lot or parcel.*

Along with the existing wooded areas, the trees planted out along the road will provide a dense screening and buffer of the building and use from the road in a few years. Any outside storage of

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vehicles, trailers and equipment-awaiting repair shall be located to the area behind the building so that they will not be visible from the road.

(h) *The fumes, odors and noise from the vehicle-related work shall be minimized.*

There were no fumes or odors coming from the property on the day of inspection. Most if not all of the repairs are done within the building. There are no adjacent dwellings in close proximity to the repair shop.

(i) *A minimum parcel area of 1-acre shall be required.*

The Applicant's property is 12.664 acres in size.

(j) *In the AG District, the use shall be operated by the resident of the property.*

The Applicant is the owner and resident of the property. The dwelling is located on top of the hill, to the rear of the subject buildings.

Section 267-39C(7):

(7) *Motor vehicle filling or service stations and repair shops, in the B2 and B3 Districts, provided that:*

The proposed use, which is a motor vehicle repair business, is permitted in the AG/Agricultural District as a Special Exception.

(a) *Pumps shall be at least twenty-five (25) feet from all road right-of-way.*

Not applicable to the request.

(b) *All portions of the lot used for storage or service of motor vehicles shall be paved with a hard surface.*

The area to the rear of the building used for the storage of vehicles shall be paved.

(c) *No obstructions which limit visibility at intersection or driveways shall be permitted.*

The visibility at the entrance to the property is good in both directions.

(d) *Lighting shall be designed and controlled so that any light shall be shaded, shielded or directed so that the light intensity or brightness shall not adversely affect the operation of vehicles or reflect into residential buildings.*

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Any security lighting around the buildings and parking areas shall comply with these requirements.

- (e) *No motor vehicle filling or service station driveway shall be located less than four hundred (400) feet from the property line of any public or private institutional use, including schools, houses of worship, hospitals, parks or playgrounds.*

Not applicable to the request.

- (f) *Vehicles, except those vehicles used in the operation of the business, may not be stored on the property for more than ninety (90) days.*

The applicant shall maintain a log as required by this section and section 267-53D(3) of the Harford County Code.

Section 267-9I:

- (1) *The number of persons living or working in the immediate area.*

The subject property is located in a rural area of the County. The area is sparsely populated and there are no major subdivisions; only scattered residences. The primary land use in the area is farmland and large areas of dense woodland. The subject parcel also backs up to a 158-acre parcel owned by the County. The Applicant's property is approximately 12.664 acres in size. The building used for the repair shop is located approximately 190-feet back off of the road. The proposed use should have no adverse impact on persons living or working in the area.

- (2) *Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities, the access of vehicles to roads; peak periods of traffic, and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.*

Sandy Hook Road is a County owned and maintained road. Sight distance at the point of access to the property is good in both directions. The proposed use should not adversely impact the roads in the area.

- (3) *The orderly growth of the neighborhood and community and the fiscal impact on the county.*

The use is permitted in the Agricultural District with Board of Appeals approval. There should be no adverse fiscal impact to the County.

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- (4) *The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.*

The Applicant's business should have no greater impact on the surrounding community than the farm equipment and farm vehicles common to the area.

- (5) *Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the county or persons to supply such services.*

The Harford County Sheriff's Office and Maryland State Police will provide police protection. The Bel Air and Dublin/Darlington Volunteer Fire Departments will provide fire protection and emergency services. Water and sewer facilities will be provided by on site well and septic systems. A company of the Applicant's choice shall handle trash collection.

- (6) *The degree to which the development is consistent with generally accepted engineering and planning principles and practices.*

The use as proposed is consistent with generally accepted planning principles.

- (7) *The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.*

The proposed use shall have no impact on any of the uses listed in this subsection.

- (8) *The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.*

The proposal is consistent with the intent of the Master Plan.

- (9) *The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.*

The proposed use should not adversely impact environmentally sensitive natural features.

- (10) *The preservation of cultural and historic landmarks.*

Not applicable to the subject request.

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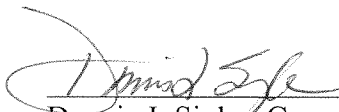
John Colflesh

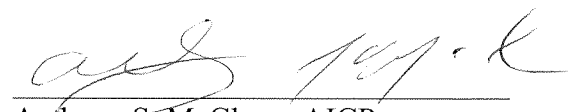
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RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the request be approved subject to the following conditions:

1. The Applicant shall submit a detailed site plan to be reviewed and approved through the Development Advisory Committee. The plan shall clearly show the parking and storage area.
2. The Applicant shall maintain a log of every vehicle, trailer or equipment on site for repair.
3. Any security lighting shall be directed to the ground and away from any adjacent properties or the road.
4. The hours of operation shall be limited to 7 am to 8pm Monday through Friday and 7am to 5pm Saturdays. There shall be no Sunday operation.
5. The Applicant shall maintain the existing screening along Sandy Hook Road.
6. There shall be no signs located on the property.
7. The Applicant's business shall be limited to the one building (the building to the south side of the property that faces Sandy Hook Road). The second building shall be limited to the personal use of the Applicant and the storage of farm equipment.
8. This approval shall be for the applicant only and shall terminate upon sale of the property.


Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review


Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/jf